

California Regional Water Quality Control Board
Santa Ana Region

April 21, 2006

ITEM: 17

SUBJECT: TRIENNIAL REVIEW OF BASIN PLANNING ISSUES

The Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the Federal Clean Water Act both mandate periodic review of water quality control plans. Section 13240 of the Water Code requires, "Each regional board shall formulate and adopt water quality control plans for all areas within the region... During the process of formulating such plans the regional boards shall consult with and consider the recommendations of affected state and local agencies. *Such plans shall be periodically reviewed and may be revised.*"

Section 303 (c)(1) of the Federal Clean Water Act requires, "... the water pollution control agency of such State *shall from time to time (but at least once each three year period...) hold public hearings for the purpose of reviewing applicable water quality standards* and, as appropriate, modifying and adopting standards." Because the review mandated by the Clean Water Act takes place every three years, it is termed a "Triennial Review".

The Basin Plan, the Region's water quality control plan, recognizes and reflects regional differences in existing water quality, the beneficial uses of the Region's ground and surface waters, and local water quality conditions and problems. Notwithstanding legal requirements for regular review, revisions to the Basin Plan are periodically necessary to reflect changes in laws, regulations and policies (and their implementation), changes in water quality standards, new scientific information, etc. The last Triennial Review of the Basin Plan was initiated in 2002. This staff report initiates the 2006 Triennial Review process.

The Triennial Review process includes the identification of emerging water quality issues, discussion of these issues and their priority at one or more public workshops, and presentation of a priority list of issues at a public hearing for Board approval. Adoption of the Triennial Review priority list does not amend the Basin Plan, but merely establishes priorities for reviewing and potentially amending the Basin Plan over the following three years.

Board staff has prepared a tentative priority list of issues to include in this Triennial Review. This list will reflect ongoing work and commitments, including development of TMDLs, revisions to REC-1 and REC-2 beneficial uses and bacterial water quality objectives for surface waters, and other recommendations of the Storm Water Quality Standards Task Force. The tentative priority list also includes recommendations from staff, from stake holders, and issues carried over from the last triennial review. Overall, these issues fall into several broad categories:

- A) Adopt TMDL Basin Plan amendments and complete Triennial review of adopted TMDLs.

- B) Revisions to Chapter 3, including revising beneficial use definitions and beneficial use tables. This includes revising beneficial uses assigned to water bodies listed in the Basin Plan, the addition of some water bodies to the Plan, and the removal of others, revision of some beneficial use definitions, adding beneficial uses, etc. Examples of these modifications include adding the RARE beneficial use to Sunnyslope Creek and Reach 4 of the Santa Ana River, adding Mystic Lake to the Plan, and assigning appropriate beneficial uses, removing Laguna and Lambert Reservoirs, and adding a Limited REC-1 beneficial use, revising the SHEL beneficial use definition and applying these uses to appropriate waters.
- C) Revisions to both narrative and numeric water quality objectives in Chapter 4. For example, revisions to bacterial indicator objectives that support REC-1 and REC-2, the addition of an objective for Limited REC-1, and the development of a narrative objective for recreational waters are being considered. Other examples include the revision and addition of nutrient objectives for Big Bear Lake, removal of site specific objectives for copper, cadmium, and lead for central reaches of the Santa Ana River, a revised numeric objective for residual chlorine for discharge to surface waters, etc.
- D) Re-publishing the Basin Plan to incorporate amendments since 1994, including NPDES compliance schedule authorization language, revised N-TDS water quality objectives and management strategies, and TMDLs, into a single, consolidated document. This should include revising maps and graphics, as appropriate.
- E) A prohibition on the use of septic tank subsurface disposal systems in the Quail Valley area.
- F) Other substantive revisions, including developing criteria for mitigating impacts to wetlands, revised narratives to expand the Plan's consideration and protection of the Region's wetlands, applicability of water quality standards to ephemeral surface waters, etc.

The draft list will be presented to the Board at its April 21, 2006, meeting, as an information item. Staff will also distribute the tentative priority list to interested parties and the public to solicit their input on the issues scheduled for review and the priority of review. This solicitation will be both by direct mail and electronic mail, and will be posted on the Region's web site.

During the next few months, staff intends to conduct a Basin Plan stakeholder meeting to provide interested parties with an additional opportunity to comment on the draft Triennial Review priority list and work plan. Staff will collect and consider all comments received at the meeting, and from the earlier solicitation, and formulate the proposed final Triennial Review priority list. Written responses to comments received will also be prepared. The final Triennial Review list (including an estimate of the staff resources necessary to review listed issues) will be presented to the Board for approval at a public hearing that is tentatively scheduled to be held at the Board's August 25, 2006, meeting.

Proposed revisions to the Basin Plan, including water quality standards (that is, both numeric and narrative water quality objectives and beneficial uses), will be presented to the Regional Board for adoption in the future as Basin Plan amendments.

Initial Draft 2006 Basin Plan Triennial Review Priority List

Issue No.	Issue Description	Estimated Basin Planning Staff Resources ¹ (PYs) (Supporting stakeholders, if any, are shown in parentheses) 2006-2008
1.	Amend the Basin Plan to include a prohibition on the use of septic tank subsurface disposal systems in the Quail Valley area.	1.0 ²
2.	Consider revisions to REC-1 and REC-2 beneficial uses and bacterial water quality objectives for surface waters based on USEPA's national criteria (<i>E.coli</i> and/or enterococci) and the recommendations of the Storm Water Quality Standards Task Force (SWQSTF). SWQSTF recommendations are now likely to include: 1) adoption of a limited REC-1 beneficial use definition and limited REC-1 designation of certain waters; 2) adoption of a high flow suspension of REC-1 standards; 3) de-designation of certain waters from REC ³ . Add rationale for the 2.2 mpn/100 ml Coliform discharge limit for POTWs discharging to the Santa Ana River and its tributaries.	0.6 (SWQSTF)
3.	TMDL Basin Plan amendments, newly adopted or revised (e.g., for Newport Bay/San Diego Creek, Middle Santa Ana River Watershed, Big Bear Lake, Canyon Lake and Lake Elsinore).	24 ⁴

¹ Basin Planning resources, unless otherwise noted. 2.0 personnel years (PY) per year of Basin Planning resources are currently available.

² Enforcement program staff resources

³ A Use Attainability Analysis will be required for these activities

⁴ TMDL program resources

4.	Reformat / republish Basin Plan to incorporate BP amendments since 1994, including NPDES compliance schedule authorization language, revised N-TDS water quality objectives and management strategies, and TMDLs. Includes revised maps and graphics.	0.3
5.	Triennial reviews of adopted TMDLs (per TMDL schedules/requirements).	3 ⁵
6.	Consider revisions to SHEL beneficial use definition (addition of beneficial use for shellfish harvesting for bait purposes, not human consumption) and re-designation of appropriate waters.	0.1 (County of Orange)
7.	Develop/revise nutrient objectives for region, focusing on 303(d) - listed waters, including San Diego Creek, Lake Elsinore, Canyon Lake, Big Bear Lake and its tributaries.	3 ⁶
8.	Add a water quality objective narrative regarding the excessive growth of macrophyte aquatic plants or combine with existing algae narrative objective.	0.1 ⁷
9.	Develop criteria for wetlands impact mitigation. Revise narrative to expand wetland definition and description of 401 process.	0.2 (USEPA ⁸)
10.	Remove site-specific objectives for copper, cadmium, and lead for middle Santa Ana River reaches and their tributaries.	0.1
11.	Revise numeric objective for residual chlorine for discharges to surface waters.	0.1
12.	Review ammonia objectives based on 1999 USEPA national criteria.	0.1

⁵ TMDL program resources

⁶ TMDL program resources

⁷ TMDL program resources

⁸ Partially funded by a USEPA grant.

13.	Update Beneficial Use Table 3-1 and Water Quality Objectives Table 4-1 (modified from 2002 Basin Plan Triennial Review list):	0.3
	<p>13.1 Add beneficial use designations (Table 3-1):</p> <ul style="list-style-type: none"> a. Add COMM to appropriate lakes, reservoirs, and streams; b. Add RARE to appropriate waters, including all reaches of San Diego Creek, valley reaches of Lytle, Cajon, and City Creeks, Reaches 4 & 5 of the San Jacinto River (from SR 79 to Ramona Expressway), North Fork of San Jacinto River and Reach 7 of San Jacinto River, Sunnyslope Creek, Reach 4 of Santa Ana River, the Shay Meadows wetland and Baldwin Lake; c. Add SPAWN to appropriate waters, such as Mountain Home Creek, Lytle Creek, San Antonio Creek, North Fork and Reach 7 of San Jacinto River, and Reach 3 & 4 of the Santa Ana River; d. Add WILD to Reaches 4 & 5 of the San Jacinto River. <p>13.2. Add new reaches and designate appropriate beneficial uses (Table 3-1 and Table 4.1): Changes needed as a result of FERC relicensing (modified from 2002 Basin Plan Triennial Review List):</p> <ul style="list-style-type: none"> a. Lytle Creek from 1-15 to Turk Point or Miller Narrows - change to I-COLD and list as Reach 1; b. Mill Creek from SAR to Highway 38 - list as Reach 1; c. Mill Creek from Highway 38 to above Mountain Home Village - list as Reach 2; d. Mill Creek from Mountain Home Village to upper diversion, Forest Falls - change to I-COLD and list as Reach 3; e. Mill Creek upper diversion to headwaters - list as Reach 4; f. SAR from Seven Oaks Dam to Power House 1 - change to I-COLD and list as Reach 6; g. SAR from Power House 1 to headwaters – list as Reach 7. <p>13.3. Changes needed to reflect existing hydrology:</p> <ul style="list-style-type: none"> h. San Diego Creek from upper Newport Bay to drop structure at Macarthur Blvd - add Reach name and EST; i. Erwin Lake - revise beneficial uses to intermittent. 	<p>0.1 (SBVMWD and SCE)</p>
		0.1

14.	Remove Laguna and Lambert Reservoirs from Lakes and Reservoirs section of Table 3-1 and Table 4-1. Add the creeks that remain to Table 3-1 and 4-1, and assign appropriate WQS.	0.1 (The Irvine Company)
15.	Add the following waters to Tables 3-1 and 4-1 and assign WQS (expanded from 2002 Basin Plan Triennial Review list): a. Add Buck Gully, Los Trancos Canyon Creek, Muddy Canyon Creek, Pelican Hill Waterfall, Pelican Point Creek, Pelican Point Middle Creek, and assign REC-1, possibly Limited REC-1, REC-2, WARM, and WILD; b. Add Santa Ana Delhi Channel; Reach 1 from Upper Newport Bay to Mesa Drive and assign REC-1, REC-2, EST, WARM, WILD, and RARE; Reach 2 from Mesa Drive to headwaters (beginning of Santa Ana Gardens and Delhi Channels) and assign REC-2, WARM, WILD and possibly REC-1 or Limited REC-1 ⁹ ; c. Add Laguna Lake (in Fullerton) and assign REC-1, REC-2, WARM, WILD, COMM; d. Add East Garden Grove Wintersburg, Anaheim-Barber City, and Bolsa Chica Channels and assign REC-2, WILD, WARM and possibly REC-1 or limited REC-1; e. Add Carbon, Fullerton, and Brea Creeks (San Gabriel River drainages) and assign REC-2, WILD, WARM, and possibly REC-1 or limited REC-1. f. Add Mystic Lake and assign REC-1 or limited REC-1, REC-2, RARE, WARM, WILD	0.4
16.	Add waters in the Goodhart Canyon Watershed to Santa Ana Region and assign water quality standards. (Drainage has been altered by the construction of Diamond Valley Reservoir's East Dam).	0.1
17.	Add narrative on implementation procedures for narrative turbidity and toxicity objectives.	0.1
18.	Revise Chapter 5 Prohibitions Applying to Inland Surface Waters (saline and sewage discharges) and modify to explicitly include lakes.	0.1
19.	Revise Chapter 3 Beneficial Use tables narrative to incorporate Tributary Rule.	0.1

⁹ Removing REC-1 will require the completion of an use attainability analysis

20.	Consider revisions to make clear that water quality standards apply to intermittent surface waters, as well as perennial waters.	0.1
21.	Consider revisions to recognize importance of headwaters as a separate class or category of waters, and of protecting their WQS.	0.3
22.	Develop waste discharge prohibitions for excessive sedimentation resulting from controllable water quality factors (targeted at excessive sedimentation in upper Newport Bay, Big Bear Lake, and Lake Elsinore Watersheds).	0.3
23.	Consider need for clarification of Chapter 5 Minimum Lot Size Requirements and Exemption Criteria for new Developments (using on-site sewage disposal systems).	0.1
24.	Non-regulatory, descriptive updates and revisions, including: <ul style="list-style-type: none"> a. Add narrative on Alaska Rule; b. Update information on approved policies (e.g., Nonpoint Source Enforcement Policy, 303(d) Listing Policy) (Chapter 2); c. Update Chapter 5 "Disposal of hazardous and Nonhazardous Waste" to reflect loss of SWAT program; d. Update SLIC Program Discussion; e. Update Animal Confinement Facilities (Dairies) discussion in Chapter 5; f. Update Nonpoint Source Program discussion in Chapter 5. 	0.1
25.	Update the discussion of implementation of the antidegradation policy in Chapter 2 to address non-point source pollution.	0.1
26.	Reevaluate temperature criteria to ensure full protection of aquatic life.	0.2
27.	Update dissolved oxygen objectives for WARM/COLD beneficial uses.	0.1
28.	Review silver water quality objective for groundwater.	0.1
29.	Revise fluoride WQO to be consistent with Basin Plans of RB4 & 9, and with DHS and Federal MCLs.	0.1 (MWD of So. Calif.)

30.	Develop and adopt biological criteria for managing water quality.	1.0 (SWRCB)
31.	Santa Ana River, Reach 3 – add TOC WQO.	0.1
32.	Review Methylene Blue-Activated Substances (MBAS) water quality objective for surface waters.	0.1
33.	Santa Ana River, Reach 3 – clarify the COD water quality objective.	0.1